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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE EASTERN DISTRICT OF WASHINGTON**
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9 HILDA L. SOLIS, SECRETARY
10 OF LABOR, UNITED STATES
DEPARTMENT OF LABOR,

11 Plaintiff,
12 v.
13 AB FOODS, L.L.C., d.b.a
14 WASHINGTON BEEF, L.L.C.,
15 Defendant.

CIVIL ACTION
CASE NO. CV-10-3065-RMP

CONSENT JUDGMENT

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17 **I. Consent Judgment**

18 Plaintiff has filed her Complaint in this Court and Defendant has appeared
19 and has agreed to the entry of this Judgment without contest. It is, therefore, upon
20 motion and direction of the Plaintiff and Defendant that this Consent Judgment be
21 entered as follows:

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23 **IT IS ORDERED, ADJUDGED AND DECREED** that Defendant, its
24 officers, agents, servants, employees, and all persons acting or claiming to act in its
25 behalf and interest be, and they hereby are, permanently enjoined and restrained
26 from violating the provisions of the Family Medical Leave Act of 1991, as
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28

CONSENT JUDGMENT

1 amended, (29 U.S.C. §2601 et seq.), (“the Act”) and its Regulations published at 29
2 C.F.R. Part 825 in any of the following manners:
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- 4 (1) Failing to designate FMLA-qualifying leave as FMLA-qualifying
5 pursuant to sections 102 and 105 of the Act and 29 C.F.R. §§825.300,
6 825.301;
- 7 (2) Considering information obtained from sources other than the affected
8 employee or the employee’s spokesperson when determining whether
9 leave requested is FMLA-qualifying pursuant to sections 102 and 105 of
10 the Act and 29 C.F.R. §825.301;
- 11 (3) Failing to reinstate an employee to the same or equivalent position of
12 employment he or she held prior to commencement of his or her FMLA-
13 qualifying leave under sections 102, 104, and 105 of the Act and 29
14 C.F.R. § 825.214.

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18 **IT IS FURTHER ORDERED** that the Plaintiff recover from Defendant the
19 sum of \$50,000 in backwages and front pay in lieu of reinstatement pursuant to 29
20 U.S.C. §2617(a)(1)(A)(i) and (a)(1)(B). Payment shall be made to Nereida Romero
21 by regular payroll check made payable to “**Nereida Romero**” and shall be mailed
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23 Certified Mail to:

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25 Nereida Romero
26 At the address provided to Defendant by Plaintiff on December 21, 2011.

27 The check shall be accompanied by a letter identifying the case name as *SOLIS v.*
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1 *AB FOODS, L.L.C., d.b.a WASHINGTON BEEF, L.L.C.*, and shall include the
2 Defendant's tax identification number. The check shall be in the net amount
3 accompanied by a list of the legal deductions made from the gross amount due.
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5 Defendant will be responsible for computing and paying all relevant employer
6 payroll taxes, including any applicable federal, state or local taxes. Payment shall
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8 be made in full within 30 days of the entry of this Judgment.

9 Defendant shall also send a copy of the check and all enclosures sent to Ms.
10 Romero to:

12 U.S. Department of Labor
13 Wage Hour Division
14 300 Fifth Avenue, Suite 1130
15 Seattle, WA 98104

16 Defendant shall be required to make five attempts to contact Ms. Romero for
17 receipt of her check. If, after five unsuccessful attempts, Defendant is unable to
18 locate Nereida Romero to complete the described payment, Defendant may send a
19 check made out to **“Nereida Romero or the U.S. Department of Labor”** to:

21 U.S. Department of Labor
22 Wage Hour Division
23 300 Fifth Avenue, Suite 1130
24 Seattle, WA 98104

25 Defendant must include all of the original enclosures that it attempted to send
26 to Complainant with the check it sends to the Department. In the event that
27 Defendant is unable to locate Ms. Romero and complete the payment, Plaintiff shall
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1 distribute the monies paid by Defendant under this Judgment to Ms. Romero or her
2 estate if that is necessary. Any money not so paid within three (3) years because of
3 inability to locate Ms. Romero or because of her refusal to accept said proceeds
4 shall be deposited forthwith with the Treasurer of the United States pursuant to 28
5 U.S.C. § 2041.

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7 **IT IS FURTHER ORDERED** that this Judgment creates no rights or
8 responsibilities not expressly set forth by its terms.

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10 **IT IS FURTHER ORDERED** that all other requested relief is denied.

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12 **II. Parties to Bear Own Expenses**

13 **IT IS FURTHER ORDERED** that each party shall bear its own fees and
14 other expenses incurred in connection with any stage of this proceeding, and shall
15 waive all rights to relief in this case under the Equal Access to Justice Act of 1980,
16 as amended (5 U.S.C §594, 28 U.S.C. §2412 et seq.).

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18 **IT IS SO ORDERED.**

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20 DATED this 6th day of January, 2012.

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23 *s/Rosanna Malouf Peterson*
24 ROSANNA MALOUF PETERSON
25 Chief United States District Court Judge
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